

Federal Communications Commission
Washington, D.C. 20554

DA 08-265

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University of North Carolina
c/o Marcus W. Trathen, Esq.
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150 Fayetteville Street
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Re: Request for Waiver of Main Studio Rule for a New
Noncommercial Educational Station at Canton,
North Carolina
File No. BPET-19960919KW
Facility ID No. 83822

Dear Counsel:

This concerns the above-referenced request for a waiver of Section 73.1125, the Commission's main studio rule, filed by the University of North Carolina ("UNC"), to locate the main studio of a new noncommercial station in Canton, North Carolina, at its flagship station, WUNC-TV, Chapel Hill, North Carolina. UNC asserts that its educational public television network consists of WUNC-TV plus ten full-power satellite stations located throughout the state of North Carolina. Moreover, UNC states that all of its satellites have retransmitted the programming originated by WUNC-TV since they commenced operations, and UNC would like to operate the Canton station in the same manner.

Waiver Showing. UNC's statewide television network is required "to provide research, development, and production of noncommercial educational television programming and program materials; to provide distribution of noncommercial educational television programming through the broadcast facilities licensed to the University of North Carolina; and otherwise to enhance the uses of television for public purposes."¹ Pursuant to this statutory mandate, UNC operates its statewide network consisting of a main production facility in the Research Triangle Park, North Carolina, eleven full-power analog and digital television stations, and numerous translator stations. UNC maintains that the importance of its statewide network to the citizens of North Carolina cannot be overstated. According to UNC, its network is unique in that it links citizens all across the state to each other to form a single, cohesive public television broadcast community. UNC asserts that it brings thousands of hours of local, state and national public television broadcast programming-including educational and curriculum-related programming-to the State every year.

In addition, UNC states that it has been operating a television translator station in Canton for some 25 years. UNC explains that because television translators are a secondary service, it proposed the full-power Canton station in 1996 to replace the translator to ensure long-term, continued free, over-the-air service to the local populations of Canton, Waynesville, Clyde, and other towns and communities in the area. To this end, UNC avers that it will maintain a toll-free number for residents

¹ N.C. Gen. Stat. § 116-37.1(a).

of the Canton community. In addition, UNC states that it will engage in and maintain dialogue with residents of Canton and the surrounding area, and will make widely known the means for contacting it with input regarding its broadcast service.

Discussion. Section 73.1125(a) requires that each broadcast station operate a main studio within either the principal community contour of any AM, FM or TV station licensed to its community of license or within 25 miles of the reference coordinates of the center of its community of license.² Each request for a waiver of this rule by a noncommercial educational television station is considered on a case-by-case basis to determine if the proposed studio location would be consistent with the operation of the station in the public interest. Traditionally, the Commission has recognized the benefits of centralized operation for noncommercial educational stations, due to their limited funding, and has granted waivers to state and regional public television and radio networks to operate stations that do not necessarily meet the requirements of a main studio³

We find that UNC has justified its request to permit the main studio of its new noncommercial station at Canton, North Carolina, to be located at its headquarters in Chapel Hill, North Carolina. UNC states that all of its satellite stations have operated in this manner since their inception and have served the needs of the residents of North Carolina well. Moreover, UNC will continue to realize significant cost savings from these centralized operations and have the resources to provide quality public television programming to its viewers. We, therefore, find that grant of the waiver request will better serve the public interest, as it will allow UNC to provide quality public television programming to viewers throughout the state of North Carolina.

At the same time, we are concerned that UNC take adequate measures to ensure that it maintains awareness of the needs of its local viewers. We will require UNC to establish a toll-free number that will permit residents of the Canton community to contact the Chapel Hill headquarters without long distance charges. We will also require UNC to maintain the public inspection file of the Canton station at a convenient location in the station's community of license where its contents will be accessible during regular business hours. We encourage UNC to continue to engage in and maintain dialogue with residents of Canton and to make widely known the means for contacting UNC with input regarding individual stations. Overall, in light of its showing here, we believe that UNC has justified its request to operate the Canton station from the location of its flagship station, WUNC-TV, Chapel Hill, North Carolina. Accordingly, the request for waiver of 47 C.F.R. § 73.1125(a) filed by University of North Carolina **IS HEREBY GRANTED.**

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau

² See *Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 13 FCC Rcd 15691 (1998), *recon. granted in part*, 14 FCC Rcd 11113 (1999).

³ See, e.g., *Amendment of Sections 73.1125 and 73.1330*, 3 FCC Rcd 5024, 5026-7 (1988).